CITY OF TIGARD, OREGON

ORDINANCE NO. 02-28

AN ORDINANCE AMENDING CHAPTER 12.02 (SANITARY SEWER AND SURFACE WATER MANAGEMENT) OF THE TIGARD MUNICIPAL CODE MAKING APPROPRIATE NAME AND TITLE CHANGES.

WHEREAS, the municipal code references the Unified Sewerage Agency and the name of the Agency was recently changed to Clean Water Services; and

WHEREAS, the municipal code references the position of City Administrator and this position is now titled City Manager; and

WHEREAS, the municipal code references Clean Water Services Ordinances and Resolutions, but does not indicate that the reference applies to any future amendments to the Ordinances or Resolutions.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Tigard Municipal Code 12.02 is amended to reflect the name and title change of Unified Sewerage Agency to Clean Water Services; and City Administrator to City Manager; and Clean Water Services Ordinances and Resolutions are referenced as amended, as shown in Attachment A.

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By unanimous vote of all Council members present after being read by number and title only, this 27th day of August, 2002.

Catherine Wheatley

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 27th day of August, 2002.

James E. Griffith

James E. Griffith, Mayor

Approved as to form:

City Attorney

8-27-02

Date

ATTACHMENT A
TIGARD MUNICIPAL CODE

Chapter 12.02 SANITARY SEWER AND SURFACE WATER MANAGEMENT.

Sections:

12.02.010 Title.
12.02.020 Definitions.
12.02.030 Purpose.
12.02.040 Clean Water Services ~~Unified Sewerage Agency Of Washington County~~ Rules Adopted.
12.02.050 Use And Operation; Charges Imposed For Use; Appeal Procedures And Enforcement.
12.02.060 Charges, Rates And Fees; Associated Penalties.
12.02.070 Pretreatment By Industrial Users.
12.02.080 Temporary Adoption Of ~~Unified Sewerage Agency~~ Clean Water Services Ordinances, Resolutions And Orders.
12.02.090 Immediate Remedial Action Required.
12.02.100 Penalty.

12.02.010 Title.

This chapter shall be known as the "sanitary sewer and surface water management chapter" and may also be referred to as "this chapter." (Ord. 94-19)

12.02.020 Definitions.

As used in this chapter:

"Responsible party" means the person responsible for curing or remedying a violation of this chapter, and includes:

(a) The owner of the property, or the owner's manager or agent or other person in control of the property on behalf of the owner;

(b) The person occupying the property, including lessee, tenant or other person having possession;

(c) The person who is alleged to have committed the acts or omissions, created or allowed the condition to exist, or placed or transported the eroding soil. (Ord. 94-19)

12.02.030 Purpose.

This chapter adopts the ordinance and rules of Clean Water Services ~~the Unified Sewerage Agency~~ that pertain to the operation and use of sanitary and surface water systems and to systems development charges. This chapter does not regulate the collection of user fees. (Ord. 94-19)

12.02.040 Clean Water Services~~Unified Sewerage Agency Of Washington County~~ Rules Adopted.

Clean Water Services ~~Unified Sewerage Agency of Washington County~~ Resolution and Orders No. 91-47 (excluding Chapter 2) as amended, Construction Standards and Regulations pertaining to the sanitary sewerage and storm and surface water management systems are adopted and shall be in full force and effect as part of this code. (Ord. 94-19)

12.02.050 Use And Operation; Charges Imposed For Use; Appeal Procedures And Enforcement.

Clean Water Services ~~Unified Sewerage Agency~~ Ordinance Nos. 26 through 28 as amended are adopted by reference and shall be in full force and effect as part of this municipal code. (Ord. 94-19)

12.02.060 Charges, Rates And Fees; Associated Penalties.

ATTACHMENT A
TIGARD MUNICIPAL CODE

Clean Water Services ~~Unified Sewerage Agency~~ Resolution and Order No. 93-33 as amended is adopted by reference and shall be in full force and effect as part of this municipal code. (Ord. 94-19)

12.02.070 Pretreatment By Industrial Users.

Clean Water Services ~~Unified Sewerage Agency~~ Resolution and Order No. 92-60 as amended is adopted by reference and shall be in full force and effect as part of this municipal code. (Ord. 94-19)

12.02.080 Temporary Adoption ~~Of~~ of Clean Water Services ~~Unified Sewerage Agency~~ Ordinances, Resolutions And Orders.

The City Manager ~~Administrator~~, without prior Council approval, may adopt and enforce amendments and revisions to any Ordinances and/or Resolutions and Orders promulgated by ~~the Unified Sewerage Agency~~ Clean Water Services to be in effect for a period of no longer than ninety days from the date of adoption by the Manager ~~Administrator~~. In order for such Ordinances and/or Resolutions and Orders to remain in effect permanently, the City Council must adopt them prior to the expiration date of the temporary adoption by the Manager ~~Administrator~~. (Ord. 94-19)

12.02.090 Immediate Remedial Action Required.

If the Code Enforcement Officer determines that there has been a violation of this chapter, or that conditions exist that are likely to result in a violation, the officer may require immediate remedial action by the responsible party. If the Code Enforcement Officer is unable to serve a notice of infraction on the responsible party or, if after such service, the responsible party refuses or is unable to remedy the infraction, the City may proceed to remedy the infraction as provided in Section 1.16.340 of this code. (Ord. 94-19)

12.02.100 Penalty.

(a) Each day that violation of this Chapter is committed or is permitted to continue shall constitute a separate violation.

(b) A finding of a violation of this Chapter and imposition of a fine pursuant to this code shall not relieve the responsible party of the duty to abate the violation. A civil fine imposed pursuant to this Section is in addition to and not in lieu of any other remedies available to the City.

(c) If a provision of this Chapter is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this Section.

(d) A finding of a violation of this Chapter shall not result in imprisonment, nor shall a jury trial be available in the adjudication of an allegation of such violation.

(e) A finding of a violation of this Chapter shall be a civil infraction pursuant to Tigard Municipal Code Section 1.16 and may be prosecuted in the Municipal Court of the City. (Ord. 94-19) ■